

# Licensing Sub-Committee Report

Item No:	
Date:	19 <sup>th</sup> October 2017
Licensing Ref No:	17/09323/LIPST– Application for Provisional Statement
Title of Report:	Unit 4 Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews And 12 - 14 Greek Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Applications for Provisional Statements under the Licensing Act 2003.		
<b>Application received date:</b>	21 August 2017		
<b>Applicant:</b>	Soho Estates Limited		
<b>Premises:</b>	Unit 4		
<b>Premises address:</b>	Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews And 12 - 14 Greek Street London	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	An application for Provisional Statement is sought for a unit as part of the redevelopment site at Ilona Rose House 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews According to the application, Unit 4 will operate as a restaurant with external seating and terraces		
<b>Premises licence history:</b>	The premises has benefitted from a premise licence history licensed since 2006 (Appendix 3 of the report)		
<b>Applicant submissions:</b>	Substantial demolition of existing buildings and redevelopment of the site to provide a mixed use development, including four A3 restaurant units with external seating and terraces, in accordance with planning permission 15/11234/FULL and subsequent amendment 16/10919/FULL.		
<b>Plans</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	23:30
<b>Seasonal variations/ Non-standard timings:</b>	These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours of New Year's Day.						

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	23:30
<b>Seasonal variations/ Non-standard timings:</b>			These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours of New Year's Day.				

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	23:30
<b>Seasonal variations/ Non-standard timings:</b>			These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours of New Year's Day.				

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	The Licensing Authority
<b>Representative:</b>	Mr David Sycamore
<b>Received:</b>	11 <sup>th</sup> September 2017
<p>I write in relation to the application submitted for a provisional statement.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> </ul> <p>The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered. All of the above applications have offered model condition 66 which indicates they will operate as restaurant and therefore fall in to policy RNT2 which states that premises must demonstrate that it will not add to cumulative impact. The additional premises and their respective capacity will add to cumulative impact and therefore additional information must be submitted.</p> <p>Please accept this as formal objection and we look forward to receiving additional documents.</p>	

<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Sally Fabbricatore
<b>Received:</b>	6 <sup>th</sup> September 2017
<p>I refer to the application for a Provisional Statement for a new Premises Licence for the above premises.</p> <p><b>The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.</b></p> <p>This representation is based on the Operating Schedule and the submitted plans, showing the basement, ground floor, level 01 and level 02, titled with the address.</p> <p>The applicant is seeking the following on the <b>basement, ground, level 01 and level 02:</b></p> <ol style="list-style-type: none"> <li>1. To allow the Supply of Alcohol 'on' the premises Monday to Saturday 10:00-01:00 hours and Sunday 12:00-23:30 hours.</li> <li>2. To allow Late Night Refreshment 'indoors' Monday to Saturday 23:00-01:00 hours and Sunday 23:00- 23.30 hours.</li> <li>3. To allow the above provisions from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</li> </ol> <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none"> <li>1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area, it may also impact on Public Safety.</li> <li>2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact area.</li> <li>3. The seasonal variations may cause an increase in Public Nuisance in the cumulative impact area.</li> </ol> <p>The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.</p> <p><b>The granting of this provisional statement as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative area and may impact on Public Safety.</b></p>	
<b>Responsible Authority:</b>	The Metropolitan Police Service
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	12 <sup>th</sup> September 2017

With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the West End Cumulative Impact, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

There is insufficient detail within the operating schedule to promote the Licensing Objectives.

An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

It is for these reasons that we are objecting to the application.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy CIA1 applies:	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.  (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.  (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

## 4. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Pre-Application Advice (17/04758/PREAPL)
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	21 <sup>st</sup> August 2017
<b>5</b>	The Licensing Authority	11 <sup>th</sup> September 2017
<b>6</b>	The Metropolitan Police	12 <sup>th</sup> September 2017
<b>7</b>	The Environmental Health Service	6 <sup>th</sup> September 2017

**Foyles Redevelopment**  
**Restaurant Provisional Statements Summary (x 4)**

**Proposed Conditions**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
4. There shall be no sales of alcohol for consumption off the premises after 23.00.
5. The tables and chairs in the courtyard shall only be used between 0800 and 23.00 each day.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
8. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
9. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
10. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.

11. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
12. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any faults in the CCTV system
  - g) any refusal of the sale of alcohol
  - h) any visit by a relevant authority or emergency service.
14. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
16. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
17. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.



18. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

## Premises History

## Appendix 2

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
06/02701/LIPN	Application for a new premises licence.	08.06.2006	Granted by Licensing Sub Committee
06/06958/WCCMAP	This is a master copy of the licence.	09.06.2007	Granted under Delegated Authority
07/03752/LIPV	This was an application for a variation of the premises licence: To sell alcohol at the premises Monday to Saturday 10:00 - 22:00 and Sunday 10:00 - 18:00	11.06.2007	Granted under Delegated Authority
09/05380/LIPDPS	Application to vary the DPS.	27.08.2009	Granted under Delegated Authority
12/05139/LIPDPS	Application to vary the DPS.	18.07.2012	Granted under Delegated Authority
12/09289/LIPN	An application for a new premises licence.	13.12.2012	Licence Surrendered
15/03980/LIPN	An application for a new premises licence. The application is for a time-limited licence with performances commencing on 2 September 2015 and running until 28 February 2016.	27.08.2015	Granted by Licensing Sub Committee
15/12062/LIPN	This was an application for a new premises licence. The application is for a time-limited licence with performances commencing on 29 <sup>th</sup> February 2016 and running until 31 <sup>st</sup>	11.02.2016	Granted under Delegated Authority

	December 2016.		
16/07881/LIPN	An application for a time-limited premises licence for a pop up restaurant for <b>1-8 Manette Street and 113-119 Charing Cross Road</b>  <b>Dates:</b> 19.09.2016 – 31.12.2016	19.09.2016	Granted under Delegated Authority
17/04758/PREAPL	This was an application for pre-application advice.	08.05.2017	

### Temporary Event Notice

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
13/01524/LITENP	Temporary Event Notice.	13.03.2013	Notice allowed
15/02682/LITENP	Temporary Event Notice.	08.07.2015	Notice allowed
15/10422/LITENP	Temporary Event Notice.	19.11.2015	Notice allowed
15/10426/LITENP	Temporary Event Notice.	19.11.2015	Notice allowed
15/11320/LITENP	Temporary Event Notice.	21.12.2015	Notice allowed
16/02574/LITENP	Temporary Event Notice.	30.03.2016	Notice allowed
16/02577/LITENP	Temporary Event Notice.	30.03.2016	Notice allowed

16/03085/LITENP	Temporary Event Notice.	01.04.2016	Notice allowed
16/03174/LITENP	This was an application for a Temporary Event Notice.	13.04.2016	Notice allowed
16/03181/LITENP	Temporary Event Notice.	14.04.2016	Notice allowed
16/03191/LITENP	Temporary Event Notice.	09.06.2016	Notice allowed
16/05798/LITENP	Temporary Event Notice.	16.01.2017	Notice allowed
16/05867/LITENP	Temporary Event Notice.	24.06.2016	Notice allowed
16/07015/LITENN	Temporary Event Notice.	26.07.2016	Notice allowed
16/13413/LITENN	Temporary Event Notice.	14.12.2016	Notice allowed

There is no licence or appeal history for the premises.

## **CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Conditions consistent with the operating schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. There shall be no sales of alcohol for consumption off the premises after 23.00.
13. The tables and chairs in the courtyard shall only be used between 0800 and 23.00 each day.
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15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
18. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
20. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.



21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any faults in the CCTV system
  - g) any refusal of the sale of alcohol
  - h) any visit by a relevant authority or emergency service.
  
22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
  
23. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
  
24. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
  
25. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
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  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

26. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

## Pre-Application Advice



**Office Name:** Sally Thomas  
**Designation:** EHO – Senior Practitioner  
**Date:** 17/08/17  
**Contact number:** 020 7641 2788  
**Email:** sfabbricatore@westminster.gov.uk  
**Signed:** Sally Fabbricatore  
**WCC Uniform Ref Number:** 17/04758/PREAPL

<b>Trading name of business and Address:</b> New Development at 113-119 Charing Cross Road, London, WC2H 0BE		
<b>Licence:</b> Miabella – 12-13 Greek Street 15/01344/LIPDPS	<b>Applicant/solicitor:</b> Alun Thomas	<b>Cumulative Impact Area:</b> Yes – West End
<p><b>Type of Business:</b> New mixed use development including residential, office, retail, restaurants and a nightclub.</p> <p><b>Current Areas:</b> For the nightclub – Basement and Ground Floor.</p> <p><b>Current Activities:</b> In the whole development only the nightclub is licensed.</p>		
<p><b>Pre application advice purpose:</b> To assess the proposal of mixed use of a nightclub, four restaurants within mixed use of residential, office space and retail.</p> <p><b>Background to application:</b></p> <p><b><u>Nightclub</u></b>  There is a nightclub on Greek Street, which is part of the development. This licence (15/01344/LIPDPS) has been transferred to Soho Estates. The main operation is in the basement with access on the ground floor. The proposal is to increase the space on the ground floor. The capacity is to remain the same at 243 customers. Therefore the only change to the licence is in the layout, therefore a variation application would be suitable due to no increase in licensable area.</p> <p>An acoustic lobby should be considered, due to the change of use above to residential use.</p> <p>The current WC provisions are 2 male WCs, 4 urinals, 5 female WCs and 1 staff WC. The proposal shows 2 male WCs, 3 female WCs and 1 accessible WC. The provision of WCs should remain the same as existing or increase, but certainly not decrease.</p> <p>There is no proposal for external use for this area.</p> <p><b><u>Restaurants</u></b>  There is also a proposal for four new restaurants. The capacity for each is to be confirmed at a later stage. These will each operate on the basement and ground floor with independent facilities. The terminal proposed hour is 1am.</p> <p>Retail units and offices are proposed above the restaurants.</p>		

The activities proposed are as follows:

1. Alcohol 'on and off' – Monday – Saturday 10:00-01:00 hours and Sunday 12:00-00:30 hours.
2. Late Night Refreshment - Monday – Saturday 23:00-01:00 hours and Sunday 23:00-00:30 hours.
3. No regulated entertainment is proposed.

An external area is part of the proposed development. This is private land and will be accessible from 8am to 1am. Planning permission does not allow use after 11pm for the tables and chairs. This area does not have a roof and would be used as a smoking area. Consideration needs to be given so this does not cause a nuisance to the occupiers above.

The loading bay is accessible from Charing Cross Road.

The windows that look out on to the courtyard will be non-openable.

**The main Environmental Health considerations to the proposal as submitted are the following:**

### **1. Cumulative Impact Area**

The premises are in the West End Cumulative Impact Area as defined in Westminster's Statement of Licensing policy. The policy can be found on the Council's website at the following link:

<https://www.westminster.gov.uk/licensing-policy>

A new restaurant would fall within policy RNT2 which states, applications will be granted subject to other policies and subject to relevant criteria in policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the CIA. Other applicable policies will be CIP1 and HRS1.

The proposal seeks to allow the terminal hour to 0100 hours for all licensable activities. This hour is against Policy **HRS1**. However policy **RNT2** recognises that appropriately conditioned restaurants have little association with crime and disorder or public nuisance up until 0100 hours.

### **2. Sanitary accommodation**

One of the reasons for an area being designated as a Cumulative Impact Area is due to the lack of adequate facilities leading to Public Nuisance concerns in the area. Environmental Health therefore requires the provision of sanitary accommodations to be in compliance with the minimum provision as stated in *British Standard 6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances: Table 10; restaurants and other places where seating is provided for eating and drinking.*

Once there is a better idea of the capacity the WC requirements can be provide. The accessible WC can be included in the female numbers only if a separate staff WC is provided.

Separate staff facilities should be provided. Under the Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 20, the following numbers of WCs are stated for staff facilities: 1 WC for 1-5 staff, 2 WCs for 6-15 and 3 WCs for 16-30.

All toilets in food business premises should be separated by a lobby from food eating or preparation areas.

### **3. External Area and Windows**

With regard to the external area, it is advised that the area is not used after 23.00 hours. External use has been proposed. However with the hours proposed, doors and windows should be kept closed after 23.00 hours and at all times if regulated entertainment is taking place.

### **4. Food Hygiene**

No detailed kitchen layout plans have been provided therefore the layout has not been assessed for food hygiene requirements.

### **5. Types of application**

The nightclub licence could be varied to change the layout. The restaurant applications would need to be new applications. Specific conditions will be proposed to uphold the Licensing Objectives once detailed layout plans are provided.

**Please note this report does not include comments by the District Surveyor.**

**Should you wish to discuss the matter further or seek further clarification or information please do not hesitate to contact me.**

**Sally Fabbriatore  
Environmental Health Officer – Senior Practitioner  
EH Consultation Team**

**Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.**

